

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

ARON BENJAMIN GOINS,

Plaintiff,

v.

CITY OF SANSOM PARK et al.,

Defendants.

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Civil Action No. 4:14-cv-365-O

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

The United States Magistrate Judge made findings, conclusions, and a recommendation (“FCR”) in this case. *See* FCR, ECF No. 76. The Magistrate Judge recommended that Plaintiff’s Emergency Petition for a Temporary Restraining Order (“TRO”) or Preliminary Injunction (ECF No. 75) should be denied because Plaintiff failed to show irreparable injury. Plaintiff objected. *See* Pl.’s Objection, ECF No. 80. The Court has conducted a de novo review of those portions of the proposed findings and recommendation to which an objection was made.

Plaintiff objects to the FCR on two grounds. First, Plaintiff objects on the basis that he never granted consent to proceed before the United States Magistrate Judge. *Id.* at 1-2. A district judge may designate a magistrate judge to submit to the court proposed findings of fact and recommendations for the disposition of a motion for injunctive relief. 28 U.S.C. §§ 636(b)(1)(A)-(B). Here, the Court designated the United States Magistrate Judge to consider and submit a recommendation on Plaintiff’s Petition. The Magistrate Judge entered the FCR for the Court’s consideration. Plaintiff’s consent was not required. Accordingly, this objection is **OVERRULED**.

Next, Plaintiff objects to the Magistrate Judge's finding that Plaintiff cannot show irreparable injury because Plaintiff has adequate legal remedies against Defendant Carr, including monetary damages and the filing of criminal charges. FCR 2, ECF No. 76. "Irreparable harm requires a showing that: (1) the harm to Plaintiff[] is imminent (2) the injury would be irreparable and (3) that Plaintiff[] ha[s] no other legal remedy." *Gonannies, Inc. v. Goupair.com, Inc.*, 464 F. Supp. 2d 603, 608 (N.D. Tex. 2006) (Lindsay, J.) (citing *Chaon v. Granata*, 515 F.2d 922, 925 (5th Cir. 1975)). Here, Plaintiff alleges Defendant Carr engaged in trespass, vandalism, and property damage. Pl.'s Emergency Pet. 1, ECF No. 75. The Court finds that Plaintiff has other legal remedies available to him, including a claim for money damages. Thus, Plaintiff has failed to show irreparable injury, and this objection is **OVERRULED**. See *Gonannies, Inc.*, 464 F. Supp. 2d at 608.

Based on the foregoing, the Court **OVERRULES** Plaintiff's objections and **ACCEPTS** the Findings, Conclusions, and Recommendation of the United States Magistrate Judge. Accordingly, it is **ORDERED** that the Findings, Conclusions, and Recommendation of the United States Magistrate Judge are accepted as the findings of the Court. Plaintiff's Petition (ECF No. 75) is hereby **DENIED**.

SO ORDERED on this **12th day of June, 2015**.


Reed O'Connor
UNITED STATES DISTRICT JUDGE